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GROSSMAN, TUCKER, PERREAULT & PFLEGER, PLLC
55 SOUTH COMMERICAL STREET
MANCHESTER NH 03101

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DEC 06 2004

In re Application of	:	OFFICE OF PETITIONS
Robert Jizwiak et al.	:	
Application No. 10/801,104	:	DECISION ACCORDING STATUS
Filed: March 15, 2004	:	UNDER 37 CFR 1.47(a)
Attorney Docket No. TRM TR010037CON	:	

This is in response to the petition filed November 19, 2004, improperly under 37 CFR 1.53(b), but properly treated under 37 CFR 1.47(a).

The petition under 37 CFR 1.47(a) is **GRANTED**.

The above-identified application was filed on March 15, 2004, naming Robert Juzwiak and Aaron Berendt as joint inventors but without a signed declaration. Accordingly, on June 1, 2004, a "Notice To File Missing Parts of Application" was mailed, requiring *inter alia* a properly executed oath or declaration.

In response, on November 19, 2004, the instant petition under 37 CFR 1.47(a), an oath or declaration executed only by joint inventor Berendt, late filing surcharge, filing fees and a request for a four month extension of time were filed. The petition argues that joint inventor Juzwiak refuses to sign the oath or declaration and thus by his actions, to cooperate with the filing of the instant application.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

The petition bears proof that the application papers were sent to Mr. Juzwiak and that he has not returned an executed oath or declaration.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). In view thereof, this application is hereby **accorded Rule 1.47(a) status**.

A credit card payment in the amount of \$2504.00 covered the filing fees, late filing surcharge and the extension of time fee but did not cover the petition fee. However, pursuant to the authorization in the petition, the petition fee in the amount of \$130.00 will be charged to Deposit Account No. 50-2121.

Thus, as provided in Rule 1.47c, this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application is being returned to the Office of Initial Patent Examination for further pre-examination processing.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink, reading "Patricia Faison-Ball". The signature is written in a cursive, flowing style.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions



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ROBERT JUZWIAK
9410 CORRINE STREET
PLYMOUTH, MI 48170

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DEC 06 2004

OFFICE OF PETITIONS

In re Application of
Robert Juzwiak et al.
Application No. 10/801,104
Filed: March 15, 2004
For: TAILGATE MODULE

Dear Mr. Juzwaik:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned Petitions Attorney at (571) 272-3212. Requests for information regarding your application should be directed to the File Information Unit at 703/308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 703/308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

cc:

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